

GOVERNMENT OF INDIA

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DELHI ADMINISTRATION

EXTRAORDINARY

PART IV

PUBLISHED BY AUTHORITY

No. 2] DELHI, WEDNESDAY, JANUARY 3, 1962/PAUSA 13, 1883

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MINISTRY OF HOME AFFAIRS

13435 *[Handwritten]*

NOTIFICATIONS

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New Delhi, the 30th December 1961

No. 19/21/60-Delhi.—In exercise of the powers conferred by section 181 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Home Affairs No. 3/106/58-D.M.Cor., dated the 7th April, 1958, namely:—

In the Table annexed to the said notification,

(1) for item 51, the following item shall be substituted, namely:—

“51. Parcels containing samples of food-stuffs not exceeding 100 Kilograms in weight consigned from outside to the Director of Supplies and Transport (Q/ST7) Food Laboratory, Quartermaster General's Branch, Army Headquarters, Delhi.”;

(2) in the Note at the end, for the word and figures “48 to 59” the words and figures “48 to 50, 52 to 59” shall be substituted.

New Delhi, the 3rd January 1962

No. 19/108/61-Delhi.—In exercise of the powers conferred by section 31 of the Delhi Municipal Corporation Act 1957 (66 of 1957), and in supersession of the Delhi Municipal Corporation (Election of Councillors) Rules, 1958 the Central Government hereby makes the following rules, namely:—

#### PART I—PRELIMINARY

1. Short title and commencement.—(i) These rules may be called the Delhi Municipal Corporation (Election of Councillors) Rules, 1962.



(2) They shall come into force at once.

2. **Interpretation.**—(1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Delhi Municipal Corporation Act, 1957 (66 of 1957);
- (b) 'ballot box' includes any box, bag or other receptacle used for the insertion of ballot papers by electors;
- (c) "chief electoral officer" means the officer appointed under section 13-A of the Representation of the People Act, 1950 (43 of 1950), for the Union territory of Delhi;
- (d) 'election' means an election of a councillor;
- (e) 'Election Commission' means the Election Commission appointed by the President under Article 324 of the Constitution;
- (f) 'elector' in relation to a ward means a person whose name is entered in the electoral roll of that ward for the time being in force and who is not subject to any disqualification for voting;
- (g) 'electoral roll number' of a person means—
  - (i) the serial number of the entry in the electoral roll in respect of that person;
  - (ii) the serial number of the part of the electoral roll in which such entry occurs;
  - (iii) the name of the parliamentary constituency to which the electoral roll relates; and
  - (iv) the number and name of the ward of the Delhi Municipal Corporation to which the electoral roll relates.
- (h) 'form' means a form appended to these rules and includes a translation thereof, in Hindi or Urdu;
- (i) 'section' means a section of the Act.

(2) For the purposes of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if—

- (a) he has placed a mark on such instrument or other paper in the presence of the returning officer or the presiding officer or such other officer as may be specified in this behalf by the Commissioner; and
- (b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.



**ART II—SUPERINTENDENCE OF ELECTIONS AND ADMINISTRATIVE MACHINERY**

**3. Superintendence and control of elections.**—Subject to the superintendence, direction and control of the Election Commission,—

- (a) the chief electoral officer shall supervise the splitting up of electoral rolls for a parliamentary constituency or constituencies into parts for the purpose of constituting one or more of such parts into the electoral roll for a ward; and
- (b) the Commissioner shall supervise the conduct of elections to the Corporation.

**4. Publication of statement relating to electoral rolls.**—The Chief electoral officer shall, as soon as may be after the delimitation order under section 5 is made, publish in such manner as he thinks fit, a statement showing the part or parts of the electoral roll for the parliamentary constituency or constituencies relating to the area comprised within a ward.

**5. Returning officers and scrutinising officers:** For every ward the Commissioner shall—

- (a) designate or nominate a returning officer who shall be an officer of Government;
- (b) appoint a scrutinising officer for the purpose of scrutinising nominations under rule 18:

Provided that nothing in this rule shall prevent the Commissioner from designating or nominating or appointing the same person to be the returning officer or the scrutinising officer, as the case may be, for more than one ward.

**6. General duty of the returning officer.**—It shall be the general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or orders made thereunder.

**7. Polling stations for wards.**—The Commissioner shall provide a sufficient number of polling stations for each ward and shall publish, in such manner as he thinks fit, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

**8. Presiding officers for polling stations.**—(1) The Commissioner shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the Commissioner accordingly:



Provided further that nothing in this sub-rule shall prevent the Commissioner from appointing the same person to be the presiding officer for more than one polling station in the same premises.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under these rules or orders made thereunder.

(3) If the presiding officer is, owing to illness or other unavoidable cause, obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Commissioner to perform such functions during any such absence.

(4) References in these rules to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-rule (2) or sub-rule (3), as the case may be.

(5) The Commissioner shall pay to the presiding officers, polling officers and other polling staff such travelling allowance as may be admissible under the rules applicable to the respective services to which they belong.

**9. General duty of the presiding officer.**—It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

**10. Duties of a polling officer.**—It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

### PART III—CONDUCT OF ELECTIONS

#### CHAPTER I—Nomination of Candidates

**11. Appointment of dates for nominations etc.**—As soon as the notification calling upon a ward to elect a councillor is issued under the provisions of sub-section (3) of section 11, the Commissioner shall by notification, in the Official Gazette, appoint—

- (a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations which shall be the second day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures, which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and



(e) the date before which the election shall be completed.

*Explanation.*—In this rule, 'public holiday' means any day which is a public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881), or any day which has been notified by the Administrator to be a holiday for the Government offices in the Union territory of Delhi.

**12. Public notice of election.**—On the issue of a notification under rule 11, the returning officer for the ward shall give public notice of the intended election in Form 1 which shall, subject to any directions of the Commissioner, be published in such manner as the returning officer thinks fit.

**13. Symbols.**—(1) The Commissioner shall specify by notification in the Official Gazette, the symbols that may be chosen by candidates and the restrictions to which their choice shall be subject.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols, made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 20 even if that nomination paper has been rejected.

(3) A failure to complete, or a defect in completing the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 18.

**14. Nomination of candidates for election.**—Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

**15. Presentation of nomination paper and requirements for a valid nomination.**—(1) On or before the date appointed under clause (a) of rule 11 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the notice issued under rule 12, a nomination paper completed in Form 2 and signed by the candidate and by an elector of the ward as proposer.

(2) In a ward where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration made by him specifying the particular Scheduled Caste of which he is a member.

(3) Where the candidate is a person who having held any office referred to in clause (k) of sub-section (1) of section 9 has been dismissed and a period of four years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued by the Central Government that the disqualification has been removed or by a certificate issued by the Commissioner to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:



Provided that the returning officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral roll, and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(5) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the scrutinising officer at the time of scrutiny.

(6) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same ward.

**16. Deposits.**—(1) A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited a sum of two hundred rupees, or where the candidate is a member of a Scheduled caste, a sum of one hundred rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward, not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (1) of rule 15 the candidate has either deposited or caused to be deposited that sum in cash with the returning officer or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the office of the Corporation.

(3) If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature under rule 19 or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate or if he dies before the commencement of the poll, to his legal representative.

(4) If a contesting candidate is not elected, and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, where it is not forfeited under sub-rule (4), be returned to the candidate or if he is dead, to his legal representative, after the publication of the result of the election in the Official Gazette.

**17. Notice of nominations and the time and place for their scrutiny.**—

(1) The returning officer shall, on receiving the nomination paper under sub-rule (1) of rule 15, inform the person or persons delivering the same of the date, time and place fixed, and the scrutinising officer appointed, for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter cause to be affixed in some



conspicuous place in his office a notice in Form 3 of the nomination containing description similar to those contained in the nomination paper, both of the candidate and of the proposer.

(2) The returning officer shall cause all the nomination papers to be delivered to the concerned scrutinising officer in sufficient time for being dealt with under rule 18.

**18. Scrutiny of nominations.**—(1) On the date fixed for the scrutiny of nominations under rule 11, the candidate and two other persons duly authorised in writing by him but no other person, may attend at such time and place as has been specified in the notice issued under rule 12 and before such scrutinising officer as the Commissioner has appointed under rule 5 and the scrutinising officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 15.

(2) The scrutinising officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds:—

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen as a councillor under the Act; or
- (b) that there has been a failure to comply with any of the provisions of rule 15 or rule 16; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The scrutinising officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The scrutinising officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 11 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

Provided that in case an objection is raised by the scrutinising officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny; and the scrutinising officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The scrutinising officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.



(7) For the purposes of this rule, a certified copy of any entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the scrutinising officer shall prepare in Form 4 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and forward the same along with all the nomination papers to the returning officer who shall countersign the list and affix it to his notice board.

**19. Withdrawal of candidature.—**(1) Any candidate may withdraw his candidature by a notice in writing in Form 5 which shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause (c) of rule 11 to the returning officer either by such candidate in person or by his proposer.

(2) On receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

(3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(4) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed in Form 6 in some conspicuous place in his office.

**20. Preparation of List of contesting candidates.—**(1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 19, the returning officer shall prepare in Form 7 a list of the contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers. The alphabetical order shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(3) Where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Commissioner,—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(4) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions



issued by the Commissioner in this behalf in which case the Commissioner may revise the allotment in such manner as he thinks fit.

(5) Every candidate or his polling agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

**21. Publication of list of contesting candidates.**—(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates or his polling agent.

(2) If a poll becomes necessary under rule 28, the returning officer shall publish the list of contesting candidates in the Official Gazette.

## CHAPTER II—Agents

**22. Appointment of polling agents.**—(1) A contesting candidate may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station and every such appointment shall be made in Form 8 and shall be made over to the polling agent for production at the polling station.

(2) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (1) after duly completing and signing before the presiding officer the declaration contained therein.

**23. Revocation of the appointment, or death of a polling agent.**—Any revocation of the appointment of a polling agent shall be signed by the candidate in Form 9 and shall operate from the date and time on which it is lodged with the presiding officer and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate may appoint another polling agent at any time before the poll is closed and shall forthwith give a notice of such appointment to the presiding officer in the manner specified in rule 22.

**24. Candidates and agents to wear badges; functions of agents.**—(1) The candidates and polling agents to be admitted inside the polling stations will be supplied by the Commissioner on payment of such amount as he may fix, distinguishing badges which shall be worn on the breast for the purpose of identification. No candidate or polling agent shall be allowed to enter the polling station unless he wears the official badge.

(2) A polling agent may perform such functions in connection with the poll as are authorised by these rules to be performed by a polling agent.

**25. Attendance of a candidate at polling stations, and performance by him of the functions of a polling agent or counting agent.**—

(1) At every election where a poll is taken, each contesting candidate at such election shall, subject to the provisions of sub-rule (1) of rule 24, have a right to be present at any polling station provided under rule 7 for the taking of the poll.



- (2) A contesting candidate may himself do any act or thing which any polling agent or counting agent of such candidate, if appointed, would have been authorised by these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.

**26. Non-attendance of polling or counting agents.**—Where any act or thing is required or authorised by these rules to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### CHAPTER III—General Procedure at Elections

**27. Death of candidate before poll.**—If a contesting candidate dies and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commissioner and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under rule 19 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

**28. Procedure in contested and uncontested elections.**—(1) If the number of contesting candidates is more than one, a poll shall be taken.

(2) If there is only one contesting candidate the returning officer shall forthwith declare him to be duly elected to fill the seat.

(3) Where a ward has failed to elect a person to fill the seat allotted to it, the Commissioner shall, by notification in the Official Gazette under sub-section (3) of section 11, again call upon that ward to elect a person, if he is satisfied that on being called upon again there will be no such failure on the part of the ward.

### CHAPTER IV—The Poll

**29. Fixing time for poll.**—The Commissioner shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette:

Provided that the total period allotted on any one day for polling at an election in a ward shall not be less than eight hours.

**30. Adjournment of poll in emergencies.**—(1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and forthwith inform the returning officer concerned and the Commissioner.



(2) Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately report the circumstances to the Commissioner and shall as soon as may be, with the previous approval of the Commissioner, appoint the day on which the poll shall recommence, and fix the polling station at which and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in the Official Gazette the date, place and hours of polling fixed under sub-rule (2).

**31. Fresh poll in the case of destruction etc. of ballot boxes.—**(1) If at any election,—

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained, or
- (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the returning officer shall forthwith report the matter to the Commissioner.

(2) Thereupon the Commissioner shall, after taking all material circumstances into account, either—

- (a) declare the poll at that polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as he may deem proper for the further conduct and completion of the election.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

**32. Method of voting.—**(1) At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.

(2) Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under rule 7.

(3) No elector shall vote in more than one ward and if an elector votes in more than one ward, the votes in all such wards shall be void.

(4) No elector shall vote in the same ward more than once notwithstanding that his name may have been registered in the electoral roll for that ward more than once and if he does so vote, all his votes in that ward shall be void.



## CHAPTER V—Voting in Wards

**33. Definitions.**—In this Chapter, unless the context otherwise requires—

- (a) "candidate" means a contesting candidate;
- (b) "polling agent" in relation to a polling station, means a polling agent of a candidate duly appointed under rule 22 for the polling station and includes a candidate when present at the polling station.

**34. Design of ballot boxes.**—Every ballot box shall be of such design as may be approved by the Commissioner.

**35. Form of ballot papers.**—(1) Every ballot paper shall be in such form and the particulars therein shall be printed in such language or languages as the Commissioner may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation, residence or in some other manner.

**36. Arrangements at polling stations.**—(1) Outside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled; and

- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up two or more compartments in which electors can record their votes screened from observation.

(3) The Commissioner shall provide at each polling station sufficient number of ballot boxes, copies of the relevant part of the electoral roll, the ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

**37. Admission to polling station.**—The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

- (a) polling officers;
- (b) candidates and subject to the provisions of rule 22 one polling agent of each candidate;
- (c) persons authorised by the Commissioner;
- (d) public servants on duty in connection with the election;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and



- (g) such other persons as the returning or the presiding officer may employ under sub-rule (2) of rule 39 or sub-rule (1) of rule 40.

**38. Preparation of ballot boxes for poll.**—(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with—

- (a) the serial number, if any, and name of the ward,
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(6) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

**39. Facilities for women electors.**—(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular, to help in searching any woman elector in case it becomes necessary.

**40. Identification of electors.**—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors, or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entries in



electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

**41. Challenging of identity.**—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall—

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 10, and
- (d) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the Corporation and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

**42. Safeguards against personation.**—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left fore-finger to be inspected by the presiding officer or polling officer, and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left fore-finger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left fore-finger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.



Where a poll is taken simultaneously in a parliamentary constituency and a ward, an elector whose left fore-finger has been marked with indelible ink at one such election shall, notwithstanding anything contained in sub-rules (1) and (2), be supplied with a ballot paper for the other election.

(4) Any reference in this rule to the left fore-finger of an elector shall, where the elector has his left fore-finger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

**43. Issue of ballot papers to electors.**—(1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Commissioner may direct.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll set apart for the purpose.

(3) Save as provided in sub-rule (2), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

**44. Voting procedure.**—(1) The elector on receiving the ballot paper shall forthwith—

(a) proceed to one of the voting compartments,

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote,

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the presiding officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.

**45. Recording of votes of blind or infirm electors.**—(1) If owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the presiding officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule the presiding officer shall observe as much secrecy as is possible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.



**46. Spoilt and returned ballot papers.**—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

**47. Tendered votes.**—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled subject to the following provisions of this rule to mark a ballot paper (hereafter in these rules referred to as a 'tendered ballot paper') in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 11.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into the ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

**48. Closing of Poll.**—(1) The presiding officer shall close a polling station at the hour fixed in that behalf under rule 29 and shall not admit thereto any elector after that hour:

Provided that all electors present within the polling station before it is closed shall be entitled to cast their votes.

(2) Any question that may arise as to whether an elector shall, for the purpose of the proviso to sub-rule (1), be deemed to be present within the polling station before it is closed, shall be decided by the presiding officer whose decision shall be final.

**49. Sealing of ballot boxes after poll.**—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.



(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

**50. Account of ballot papers.**—The presiding officer shall at the close of the poll prepare a ballot paper account in Form 12 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

**51. Sealing of other packets.**—(1) The presiding officer shall then make into separate packets—

- (a) the marked copy of the electoral roll;
- (b) the unused ballot papers;
- (c) the cancelled ballot papers;
- (d) the cover containing the tendered ballot papers and the list in Form 11;
- (e) the list of challenged votes; and
- (f) any other papers directed by the Commissioner to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and of those polling agents present who may desire to affix their seals thereon.

**52. Transmission of ballot boxes, etc., to the returning officer.**—(1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct,—

- (a) the ballot boxes referred to in rule 49;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 51; and
- (d) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

**53. Procedure on adjournment of poll.**—(1) If the poll at any polling station is adjourned under rule 30, the provisions of rules 49 to 52 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 29.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 30, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The presiding officer shall open the sealed packet in the presence of such candidates or their polling agents as may be present and use the marked copy of the electoral roll for recording the serial Nos. of ballot paper issued to electors at the adjourned poll.



(5) The provisions of rules 33 to 52 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

#### CHAPTER VI—Postal Ballot

##### 54. Postal ballot for electors employed on duty at polling stations.—

(1) A presiding officer, a polling officer, or any other public servant who is an elector in a ward and is by reason of his being on election duty unable to vote at the polling station where he is entitled to do so may, on application, be allowed to record his vote in that ward by postal ballot.

(2) Every such application shall be made in Form 13 and shall be sent to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll.

(3) If the returning officer is satisfied that the applicant is entitled to vote by postal ballot under sub-rule (1) he shall issue a postal ballot paper to him.

55. Form of postal ballot paper.—(1) A postal ballot paper shall be in such form and shall be in such language or languages, in whole or in part, as the Commissioner may direct.

(2) The names of the candidates shall be arranged in the order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner.

56. Issue of postal ballot papers.—(1) The returning officer shall, as soon as practicable, deliver or cause to be delivered personally a postal ballot paper to each elector entitled to vote by postal ballot and shall at the same time—

(a) record in such manner as he thinks fit the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (hereinafter referred to as the 'marked copy of the electoral roll') and

(b) ensure that the elector is not allowed to vote at a polling station.

(2) Along with the ballot paper, the returning officer shall send to the elector—

(a) a declaration in Form 14-A;

(b) a cover in Form 14-B;

(c) a large cover addressed to the returning officer in Form 14-C; and

(d) instructions for the guidance of the elector in Form 14-D.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure that the same is delivered to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by postal ballot, the returning officer shall seal up in a packet the marked copy of the electoral roll used in connection with the issue of



ballot papers and record on the packet a brief description of its contents, the name of the ward and the date on which it is sealed.

(5) No section shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

**57. Recording of votes on postal ballot papers.**—(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 14-D; and then enclose it in the cover in Form 14-B.

(2) The elector shall sign the declaration in Form 14-A in the presence of, and have the signature attested by, a stipendiary magistrate or a Gazetted Officer to whom he is personally known or to whose satisfaction he has been identified.

**58. Assistance to illiterate electors.**—(1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration in Form 14-A, he shall take the ballot paper together with the declaration and the covers received by him to an officer referred to in sub-rule (2) of rule 57 and request such officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence and sign the declaration on behalf of the elector and complete the certificate contained in Form 14-A.

**59. Re-issue of postal ballot paper.**—(1) When a postal ballot paper and other papers sent under rule 56 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with his ballot paper or any of other papers sent to him under rule 56 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the returning officer of the inadvertence.

(3) The returning officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the serial numbers of all such cancelled ballot papers.

**60. Return of postal ballot paper.**—(1) After an elector has recorded his vote and made his declaration under rule 57 or rule 58, he shall return the postal ballot paper and declaration to the returning officer of the ward in which the elector is entitled to vote, in accordance with the instructions communicated to him in Form 14-D so as to reach the returning officer before 10-00 a.m. on the date or the last of the dates fixed for the poll.

(2) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.



## CHAPTER VII—Counting of Votes

**61. Definitions.**—In this Chapter, unless the context otherwise requires,—

- (a) "candidate" means a contesting candidate;
- (b) "counting agent" means a counting agent duly appointed under rule 63 and includes a candidate when present at the counting.

**62. Time and place for counting of votes.**—(1) Where a poll is taken, votes shall be counted by, or under the supervision or direction of, the returning officer, and each candidate and his counting agent shall have a right to be present at the time of counting.

(2) The returning officer, shall, at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his polling agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his polling agent.

**63. Appointment of counting agents and revocation of such appointments.**—(1) The number of counting agents that a candidate may appoint shall, subject to such general or special direction as the Commissioner may issue in this behalf, not exceed sixteen at the place or each of the places fixed for counting under rule 62.

(2) Every such appointment shall be made in Form 15 in duplicate, one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returning officer before 6 p.m. on the day immediately preceding the date fixed for counting under rule 62.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the returning officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.

(4) Any revocation of the appointment of a counting agent shall be signed by the candidate in Form 16 and shall operate from the date on which it is lodged with the returning officer and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate may appoint another counting agent in accordance with sub-rule (2) at any time before the counting of votes is commenced and shall forthwith give notice thereof to the returning officer.

**64. Admission to the place fixed for counting.**—(1) The returning officer shall exclude from the place fixed for counting of votes all persons except—

- (a) such persons as he may appoint to assist him in the counting;
- (b) candidates and their counting agents;



- (c) persons authorised by the Commissioner; and
- (d) public servants on duty in connection with the election.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The returning officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the returning officer may be removed from the place where the votes are being counted by the returning officer or by any police officer on duty or by any person authorised in this behalf by the returning officer.

**65. Maintenance of secrecy of voting.**—The returning officer shall, before he commences the counting read out the provisions of section 23 to such persons as may be present.

**66. Scrutiny and opening of ballot boxes.**—(1) The returning officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 31 in respect of that polling station.

**67. Scrutiny and rejecting of ballot papers.**—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper—

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if no vote is recorded thereon, or
- (c) if votes are given on it in favour of more than one candidate, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper, or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers authorised for use at the particular polling station, or



- (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 43:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rules shall be bundled together.

**68. Counting of votes.**—(1) Every ballot paper which is not rejected under rule 67 shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the returning officer shall make the entries in a result sheet in Form 17 and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

- (a) the name of the ward,
- (b) the particulars of the polling station where the ballot papers have been used, and
- (c) the date of counting.

**69. Counting to be continuous.**—The returning officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

**70. Recommencement of counting after fresh poll.**—(1) If a fresh poll is held under rule 31, the returning officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their polling agents.



(2) The provisions of rules 67 and 68 shall apply so far may be to such further counting.

**71. Scrutiny and counting of postal ballot papers.**—(1) After the counting of ballot papers found in ballot boxes has been completed, the returning officer shall deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 14-C received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in Form 14-A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the postal ballot paper as entered in it differs from the serial number endorsed on the cover in Form 14-B, that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the postal ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 14-C and all such covers in Form 14-C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the ward, the date of counting and a brief description of its contents.

(6) The returning officer shall then place all the declarations in Form 14-A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 14-B is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 14-B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinise each postal ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

- (a) if no vote is recorded thereon; or
- (b) if votes are given on it in favour of more candidates than one; or
- (c) if it is spurious ballot paper; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is not returned in the cover sent along with it to the elector by the returning officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the grounds that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.



(11) The returning officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 17 and announce the same.

(12) Thereafter all the valid postal ballot papers and all the rejected postal ballot papers shall be separately bundled and kept together in a packet which shall be sealed and on which shall be recorded the name of the ward, the date of counting and a brief description of its contents.

**72. Re-count of votes.**—(1) After the completion of the counting, the returning officer shall record, in the result sheet in Form 17 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate may apply, in writing to the returning officer for a re-count of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the returning officer decides under sub-rule (3) to allow an application either in whole or in part, he shall —

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet in Form 17 to the extent necessary after such re-count; and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form 17 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

**73. Equality of votes.**—If an equality of votes is found to exist between candidates and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

**74. Declaration of result of election.**—The returning officer shall, subject to the provisions of rule 73 if and so far as they apply to the particular case, declare to be elected the candidate to whom the largest number of valid votes has been given, complete and certify the return of election in form 18, and send signed copies thereof to the Commissioner.

**75. Grant of certificate of election to returned candidate.**—As soon as may be after a candidate has been declared by the returning officer under rule 74 to be elected, the returning officer shall grant to such



candidate a certificate of election in form 19 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment to the Commissioner.

**76. Election to more than one seat.**—If a person is elected to more than one seat, then unless within three days from the date of publication of the result of election under section 14, he resigns all but one of the seats by writing under his hand addressed to the Commissioner, all the seats shall become vacant.

**77. Custody of ballot boxes and papers relating to election.**—(1) All ballot boxes used at an election shall be kept in such custody as the Commissioner may direct.

(2) The returning officer shall forward the packets of un-used ballot papers, the packets of used ballot papers whether valid, tendered or rejected, and all other papers relating to the election to the Commissioner who shall keep the same in safe custody.

**78. Disposal of election papers.**—Subject to any direction to the contrary given by a competent court, the packets and other papers referred to in sub-rule (2) of rule 77 shall be retained for a period of six months from the date of publication of the result of election under section 14 and shall thereafter be destroyed:

Provided that if an election petition is filed in the court of the district judge of Delhi, the packets and other papers referred to in this rule shall not be destroyed unless the petition is finally disposed of.

## PART IV—DISPUTE REGARDING ELECTIONS

### CHAPTER I—*Interpretations*

**79. Definitions.**—In this part, unless the context otherwise requires—

- (a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;
- (b) 'costs' means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (c) "Court" means the court of the district judge of Delhi.
- (d) 'electoral right' means the right of a person to stand or not to stand, as or to withdraw from being, a candidate, or to vote or refrain from voting at an election;
- (e) 'pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court.

### CHAPTER II—*Election Petitions*

**80. Additional contents of petition.**—(1) Where the petitioner alleges any corrupt practice, an election petition shall, in addition to complying with the provision of section 15 also set forth full particulars of that corrupt practice including as full a statement as possible of the names



of the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice and shall also be accompanied by an affidavit in the prescribed form in support of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**81. Petition to be dismissed.**—If the provisions of section 15 or rule 89 are not complied with, the court shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

**82. Procedure before the court.**—(1) As soon as the court receives the petition, it shall serve on each respondent a notice in such form as it thinks fit directing the respondent to appear before the court and answer the claim made in the petition on a day to be specified therein.

(2) Any candidate not already a respondent shall, upon an application made by him to the court within fourteen days from the date fixed for the respondents to appear and subject to the provision of rule 89 be entitled to be joined as a respondent.

**83. Appearance before the court.**—Any appearance, application or act before the court may be made or done by the party in person or by a pleader duly appointed to act on his behalf;

Provided that it shall be open to the court to direct any party to appear in person whenever the court considers it necessary.

**84. Powers of the court.**—The court shall have the powers which are vested in a civil court when trying a suit in respect of the following matters:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses.

**85. Documentary evidence.**—Notwithstanding anything contained in any other law to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

**86. Secrecy of voting not to be infringed.**—No witness or other person shall be required to state for whom he has voted at an election.

**87. Order as to costs.**—The court may, while making an order under section 19 also fix thereby total amount of costs payable:

Provided that where a petition is dismissed under clause (a) of subsection (1) of that section, the returned candidate shall be entitled to



the costs incurred by him in contesting the petition and accordingly the court shall make an order for costs in favour of the returned candidate.

**88. Communication of order to the Commissioner and transmission of the records of the case.**—The court shall, after announcing the order made by it under section 19 send a copy of the order and the records of the case to the Commissioner.

**89. Deposit of security.**—(1) The petitioner shall enclose with the petition a receipt showing that a deposit of five hundred rupees has been made by him with the Commissioner or any Officer designated by him for the purpose as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs as the court may direct.

**90. Costs.**—Costs, including pleader's fee, shall be in the discretion of the court and shall be paid out of the security deposit provided for in rule 89.

**91. Payment of costs out of security deposit and return of such deposits.**—(1) If in any order as to costs under the provisions of this Part there is a direction for payment of costs by any Party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of security deposit made by such party under this Part on an application made in writing in that behalf within a period of six months from the date of the order of the court to the Commissioner by the person in whose favour the costs have been awarded.

(2) If there is any balance left of any of the said security deposit after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security deposit may, on an application made in that behalf in writing to the Commissioner by the person by whom the deposit has been made, or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

#### PART V—CORRUPT PRACTICES

**92. Corrupt Practices.**—In addition to the corrupt practices specified in section 22, the following shall be deemed to be corrupt practice:—

The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election from any person—

(a) in the service of the Corporation; or

(b) in the service of the Government and belonging to any of the following classes; namely—

(i) gazetted officers;

(ii) stipendiary judges and magistrates;

(iii) members of the Armed Forces of the Union;

(iv) members of the police force;



- (v) excise officers;
- (vi) revenue officers other than village revenue officers, known as lambardars, malguzars or by any other name whose duty is to collect land revenue and who are remunerated by a share of, or commission on the amount of land revenue collected by them but who do not discharge any police functions; and
- (vii) such other class of persons in the service of the Government as may be notified by the Central Government.

*Explanation.*—For the purposes of this rule, a person shall be deemed to assist in the furtherance of the prospects of a candidates election if he acts as a polling agent or a counting agent of that candidate.

#### PART VI—MISCELLANEOUS

**93. Extension of time for completion of election.**—It shall be competent for the Commissioner for reasons which he considers sufficient to extend the time for the completion of any election by making necessary amendments in the notification issued by him under rule 11.

**94. Staff of Government and every local and statutory authority to be made available for election work.**—Every officer of the Central Government and every local and statutory authority in the Union territory of Delhi shall, when so requested by the Commissioner make available to him such staff as may be necessary for the performance of any duties in connection with an election.

**95. Requisitioning of premises, vehicles etc., for election purposes.**—(1) If it appears to the Commissioner that in connection with an election under these rules—

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or any other purpose in connection with the election; or
- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport ballot boxes, ballot papers and other election material to or from any polling station or transport of any officer or other person performing any duty in connection with such election or transport of members of the police force for maintaining order during the conduct of such election.

The Commissioner may by order in writing addressed to the person who in his opinion is the owner or is in possession of the property and served in the manner laid down in section 444, requisition such premises or such vehicles, vessels or animals, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisition.

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this rule.

(2) Whenever any property is requisitioned under sub-rule (1) the period of such requisition shall not extend beyond the period for which the property is required for any of the purposes mentioned in that sub-rule.



(3) Where any premises have been requisitioned under sub-rule (1) the owner or the person in possession of the premises shall deliver possession thereof to the Commissioner or to any person authorised by him in this behalf at the time specified for the purpose in the order of requisitioning and if any person refuses or fails to deliver possession, the Commissioner may take possession of premises and may for that purpose use such force as may be necessary.

(4) Whenever any premises or any vehicle, vessel or animal are requisitioned under this rule, there shall be paid to the person in actual possession of the premises immediately before the requisition or where no person was in actual possession to the owner of the premises or as the case may be, to the owner of the vehicle, vessel or animal, such compensation as the Commissioner deems reasonable:

Provided that where any person does not accept the amount of compensation as reasonable, the Commissioner shall refer the matter to an arbitrator for his decision and the decision of the arbitrator shall be final.

(5) Any premises requisitioned under this rule shall be released from requisition immediately on the expiry of the period for which it was requisitioned and the possession thereof shall be delivered to the person from whom the possession was taken or if there were no such person, to the person who, in the opinion of the Commissioner, is the owner and such delivery of the possession shall be full discharge of the Commissioner from all liabilities in respect of such delivery:

Provided that where the person to whom the possession of any premises is to be given under this rule cannot be found or has no agent or any other person to accept delivery on his behalf, the Commissioner shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of the premises and thereupon the premises shall cease to be subject to requisition and be deemed to have been delivered to the person entitled to possession thereof.

(6) The Central Government may by order in writing direct that any powers conferred or any duty imposed on the Commissioner by this rule shall under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer or class of officers as may be so specified.

#### FORM 1

#### PUBLIC NOTICE OF ELECTION

(See rule 12)

#### *Election to the Delhi Municipal Corporation*

Notice is hereby given that—

- (1) an election is to be held of.....;
- (2) forms of nomination paper may be obtained at the offices of the officers specified in paragraph 6 between the hours of..... and..... from..... (date) to..... (date);
- (3) nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in paragraph (6) at his



office on any day not later than the.....day  
of.....;

- (4) the nomination papers will be taken up for scrutiny at.....  
(hour) on..... (date) at.....  
(place);
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer to any one of the officers specified in paragraph (6) at his office before 3 in the afternoon on.....
- (6) nomination papers and notices of withdrawal may be delivered to the \*.....at his office;
- (7) in the event of the election being contested, the poll will take place on.....between the hours of.....  
and.....

Returning Officer,

.....Ward.

Date.....

Place.....

\*Here insert the name and designation of the Officer(s) to whom and the place at which the nomination papers and notice of withdrawal are to be delivered.

## FORM 2

### NOMINATION PAPER

[See rule 15(1)]

*Election to the Delhi Municipal Corporation from Ward No.....*  
(To be filled by the proposer)

I hereby nominate.....as a candidate  
for election from Ward.....of the Delhi Municipal  
Corporation.

1. Full name of proposer.....
2. \*Electoral roll number of proposer.....
3. Name of candidate's †father/husband.....
4. Full postal address of candidate.....  
.....
5. \*Electoral roll number of candidate.....  
.....

Signature of proposer.

Date.....

(To be filled by the candidate)

I, the above mentioned candidate, assent to this nomination and hereby declare that the following are the symbols I have chosen in order of preference:—

- (i) .....; and



(ii) .....

Date.....

Signature of candidate.

† Further declaration to be made by a Scheduled Caste candidate.

"I hereby declare that I am a member of the.....  
 caste which is a Scheduled Caste in the Union territory of Delhi.

Signature of candidate."

Date.....

\*Here insert:—

- (i) the number and name of the ward of the Delhi Municipal Corporation;
- (ii) the name of the parliamentary constituency in the electoral roll of which the name of the proposer or the candidate, as the case may be, has been entered;
- (iii) the serial number of the part of the electoral roll in which the name of the proposer or the candidate, as the case may be, has been entered; and
- (iv) the serial number of the entry in that part.

† Strike off the inappropriate alternative.

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....  
 (hours) on..... (date) by the \*\*candidate/proposer.

Returning Officer.

Date.....

Decision accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 18 of  
 the Delhi Municipal Corporation (Election of Councillors) Rules, 1961 and  
 decide as follows:—

Scrutinising Officer.

Date.....

Receipt for Nomination Paper and Notice of scrutiny.

(To be handed over to the person presenting the nomination paper)  
 Serial No. of nomination paper.....

This nomination paper of.....  
 A candidate for election from ward No..... of the Delhi  
 Municipal Corporation was delivered to me at my office at.....  
 (hour) on..... (date) by the \*\*candidate/proposer.  
 This nomination paper will be taken up for scrutiny at.....  
 (hour) on..... (date) at..... (place)  
 by.....

Returning Officer.

Date.....

\*\* Strike off one of the alternatives as necessary.



## FORM 3

## NOTICE OF NOMINATION

[See rule 17(1)]

Election to the Delhi Municipal Corporation from Ward No.....

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today:—

Serial Number of nomination paper	Name of candidate	Name of *father/husband	Address	Particulars of caste for candidates belonging to Scheduled castes	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer
1	2	3	4	5	6	7	8

Place.....

Date.....

\* Strike off one of the alternatives as necessary.

## FORM 4

## LIST OF VALIDLY NOMINATED CANDIDATES

[See rule 18(8)]

Election to the Delhi Municipal Corporation from Ward No.....

Serial Number	Name of candidate	Name of *father/husband	Address of candidate
1	2	3	4

Scrutinising Officer.

Place.....

Countersigned.

Date.....

Returning Officer.

\*Strike off the inappropriate alternative.



## FORM 5

## NOTICE OF WITHDRAWAL

[See rule 19(1)]

Election to the Delhi Municipal Corporation from Ward No.....  
To

The Returning Officer,

I, ....., a candidate  
nominated at the above election do hereby give notice that I withdraw  
my candidature.

Place.....

Date.....

Signature of candidate.

This notice was delivered to me at my office at..... Place  
(hours) on..... (date) by..... Date  
(name) the \*.....  
Date.....

Returning Officer.

## Receipt for Notice of Withdrawal.

(To be handed over to the person delivering the notice) I

The notice of withdrawal of candidature by.....  
a candidate at the election of the Delhi Municipal Corporation from Ward  
No..... was delivered to me by \*.....  
at my office at..... (hour) on..... (date).

Returning Officer.

\*Here insert one of the following alternatives as may be appropriate:-  
(1) Candidate.  
(2) Candidate's proposer.

## FORM 6

## NOTICE OF WITHDRAWAL OF CANDIDATURES

[See rule 19(4)]

Election to the Delhi Municipal Corporation from Ward No.....

Notice is hereby given that the following \*candidate/candidates at the  
above election withdrew\* his candidature/their candidatures today:-

Name of candidate	Address of candidate	Remarks
1.		
2.		
3.		
etc.		

Date.....

Returning Officer.

\*Strike off the inappropriate alternative.



## FORM 7

## LIST OF CONTESTING CANDIDATES

[See rule 20(1)]

Election to the Delhi Municipal Corporation from Ward No.....

Serial Number	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Place.....

Returning Officer.

Date.....

## FORM 8

## \*APPOINTMENT OF POLLING AGENT

[See rule 22(1)]

Election to the Delhi Municipal Corporation from Ward No.....

I, ....., a candidate  
 at the above election, do hereby appoint.....  
 of..... as a polling agent to attend Polling  
 Station No..... at .....

Place.....

Signature of candidate.

Date.....

I agree to act as such polling agent.

Place.....

Signature of polling agent.

Date.....

Declaration by polling agent to be signed before presiding officer.

I hereby declare that at the above election I will not do anything  
 forbidden by %section 23 of the Delhi Municipal Corporation Act, 1957  
 which \*\*I have read/has been read over to me.

Date.....

Signature of polling agent.

Signed before me.

Date.....

Presiding Officer.

\* To be handed over to the polling agent for production at the polling station.  
 \*\* Strike off the inappropriate alternative.

% Section 23 of the Delhi Municipal Corporation Act, 1957:—

23. Maintenance of secrecy of voting.—(1) Every officer or clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any information calculated to violate such secrecy.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.



## FORM 9

## REVOCATION OF APPOINTMENT OF POLLING AGENT

(See rule 23)

Election to the Delhi Municipal Corporation from Ward No.....

To

The Presiding Officer.

I, ....., a candidate  
 at the above election. hereby revoke the appointment of.....  
 .....my polling agent in respect of Polling Station  
 No.....

Place.....

Date.....

Signature of candidate.

## FORM 10

## LIST OF CHALLENGED VOTES

[See rule 41 (2) (c)]

Election to the Delhi Municipal Corporation from Ward No.....

Number and name of polling station.....

Serial num- ber of entry	Name of elector	Serial number of		Signa- ture or thumb impress- ion of the person chal- lenged	Address of the person chal- lenged	Name of identi- fier if any	Name of chal- lenged	Order of Presid- ing Officer	Signa- ture of chal- lenger on recei- ving refund of de- posit
		Part of Roll	Elec- tor's name in that part						
1	2	3	4	5	6	7	8	9	10

Date.....

Signature of Presiding Officer.



## FORM 11

## LIST OF TENDERED VOTES

[See rule 47(2)]

Election to the Delhi Municipal Corporation from Ward No.....

Number and name of polling station.....

Part number, serial number and name of elec- tor	Address of elector	Serial number of tendered bal- lot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tender- ing vote
1	2	3	4	5

Date.....

Signature of Presiding Officer.

## FORM 12

## PART I—BALLOT PAPER ACCOUNT

(See rule 50)

Election to the Delhi Municipal Corporation from Ward No.....

Number and name of polling station.....

	Serial numbers	Total number
1. Ballot papers received.		
2. Ballot papers not used.		
3. Ballot papers issued to voters.		
4. Ballot papers cancelled.		
5. Number of tendered votes cast at the polling station.		

Date.....

Signature of Presiding Officer.



## PART II—RESULT OF COUNTING

Name of candidate	Number of valid votes cast
1. ....	.....
2. ....	.....
3. ....	.....
4. ....	.....
etc. ....	.....

Rejected ballot papers.....

Total No. of ballot papers found in  
the ballot box(es).....Signature of the counting  
Supervisor.....

Date.....

Signature of the Returning  
Officer.....

## FORM 13

## APPLICATION FOR POSTAL BALLOT

[See rule 54(2)]

To

The Returning Officer,

.....Ward.

Sir,

I intend to cast my vote by post at the ensuing election to the Delhi  
Municipal Corporation from.....Ward.My name has been included in the electoral roll at the following  
address:—.....  
.....  
.....

The ballot paper may be sent to me at the following address:—

.....  
.....  
.....

Yours faithfully,

.....

Place.....

Date.....



## FORM 14-A

## DECLARATION BY ELECTOR

[See rule 56(2) (a)]

Election to the Delhi Municipal Corporation from Ward No.....

(This side is to be used only when the elector signs the declaration himself).

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number.....has been issued at the above election.

Signature of elector.

Address .....

Date.....

## Attestation of signature

The above has been signed in my presence by.....  
(elector) who \*is personally known to me/has been identified to my  
satisfaction by.....(identifier) who is  
personally known to me.

Signature of identifier,

if any.....

Address.....

Signature of Attesting Officer.

Designation.....

Address.....

Date.....

(This side is to be used when the elector cannot sign himself.)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number.....has been issued at the above election.

Signature of Attesting Officer  
on behalf of elector.

Date.....

Address of elector.....

## CERTIFICATE

I hereby certify that:—

- (1) the above named elector\* is personally known to me/has been identified to my satisfaction by.....  
(identifier) who is personally known to me;
- (2) I am satisfied that the elector\* is illiterate/suffers from.....  
(infirmity) and is unable to record his  
vote himself or sign his declaration;



- (3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and
- (4) the ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier,

if any.....

Address.....

Signature of Attesting Officer.

Designation.....

Address.....

Date.....

\*Strike off the inappropriate alternative.

FORM 14-B

COVER

[See rule 56(2) (b)]

A

NOT TO BE OPENED BEFORE COUNTING

*Election to the Delhi Municipal Corporation*

POSTAL BALLOT PAPER

Serial number of ballot paper.....

FORM 14-C

LARGE COVER

[See rule 56(2) (c)]

Service  
unpaid

B

NOT TO BE OPENED BEFORE COUNTING

*Election to the Delhi Municipal Corporation*

ELECTION—IMMEDIATE

POSTAL BALLOT PAPER

For\*.....ward.

To

The Returning Officer,

\*\*.....  
.....  
.....

Signature of sender  
.....

\* Returning Officer to insert here the name and number of ward.

\*\*The Returning Officer to mention here his full postal address.



## FORM 14-D

## INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

[See rule 56(2) (d)]

*Election to the Delhi Municipal Corporation from Ward No.....*

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote(s) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II:—

*Part I—Directions to electors*

1. The number of councillors to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
6. An elector shall obtain the attestation of his signature on the declaration in Form 14-A by a stipendiary magistrate or by any gazetted officer.

*Part II—Instructions for electors*

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the small cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form 14-A, also sent herewith, in the presence of a stipendiary magistrate or any gazetted officer (see direction 6 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer mentioned in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 14-A as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.



(e) You must ensure that the cover reaches the returning officer before 10-00 A.M. on the..... (date).

(f) Please note that—

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after 10-00 A.M. on the..... (date) your vote will not be counted.

#### FORM 15

#### APPOINTMENT OF COUNTING AGENTS

[(See rule 63(2)]

Election to the Delhi Municipal Corporation from Ward No.....  
To

The Returning Officer,

I, ....., a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at.....

Name of the counting agent      Address of the counting agent

- 1.
- 2.
- 3.

We agree to act as counting agents.

- 1.
- 2.
- 3.

Signatures of counting agents.

Place.....

Date.....

#### Declaration of Counting Agents (to be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by %section 23 of the Delhi Municipal Corporation Act, 1957 which \*we have read/has been read over to us.

- 1.
- 2.
- 3.

Signatures of counting agents

Date.....

Signed before me.

Date.....

Returning Officer.

\*Strike off the inappropriate alternative.

% Section 23 of the Delhi Municipal Corporation Act, 1957:—

23. Maintenance of secrecy of voting.—(1) Every officer or clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.







## FORM 18

## RETURN OF ELECTION

(See rule 74)

Election to the Delhi Municipal Corporation Ward No.....

Serial No.	Name of candidate	Number of valid votes polled
---------------	-------------------	---------------------------------

Total number of valid votes polled.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that..... (name)  
of..... (address) has been duly elected to  
fill the seat.

Place.....

Date.....

Returning Officer.

## FORM 19

## ELECTION TO THE DELHI MUNICIPAL CORPORATION

## Certificate of Election

(See rule 75)

I, Returning Officer for the.....ward  
hereby certify that I have on the..... day of  
.....19....., declared Shri.....  
of.....to have been duly elected by the said ward to be a  
Councillor and that in token thereof I have granted to him this certificate  
of election.

Place.....

Date.....

Returning Officer,  
for the.....Ward.

Seal,

A. V. VENKATASUBBAN, Dy. Secy.